IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 940 (MS) of 2004

Arun Bahadur Singh, Karki,
son of Sri Man Bahadur Singh Karki,
R/o 7 Shiv Bhawan, Station Road, Jaipur,
Rajasthan. .....Petitioner.

Versus

Prescribed Authority/Civil Judge
(S.D.), Dehradun and others. .....Respondents.

Hon'ble Rajesh Tandon J.

Heard Sri Sharad Sharma learned Counsel for the Petitioner and Standing Counsel for the respondents.

By the present writ petition the petitioner has prayed for a writ of mandamus commanding the respondent no.1 to expedite the hearing of the application for release filed under Section 21 (1) (a) of the U.P. Act No. 13 of 1972.

Briefly stated the petitioner is landlord and owner of the property described as 29 Nehru Road, Dehradun. He has filed an application on 20th December 2001 for the release of the residential accommodation situate at 29 Nehru Road, Curzon Road, comprising of single story.

Counsel for the petitioner has submitted that every application has to be decided within a period of two months in accordance with Sub Rule 15 of Rule 3 of U.P. Act No. 13 of 1972

as mentioned in paragraph 8 of the writ petition, the same is quoted below:-

"That Rule 15 Sub Rule 3 of the Rules framed under Act No. 13 of 1972 has provided that the release application filed under Section (1) (a) of Act No. 13 of 1972 ought to have been decided within a period of 2 months from the date of its presentation, for the purpose of brevity subRule 3 of Rule 15 reads as under:-

> *(3) Every application referred to in sub Rule (1) shall, as far as possible, be decided within two months from the date of its presentation.*

Thus the application of release ought to have been decided expeditiously in accordance to the provisions of sub Rule 3 of Rule 15."

Since the application under section 21 (1) (a) was filed in the year, 2001. Sufficient time had already passed as will appear from the order sheet itself.

In view of the aforesaid, the application under Section 21 (1) (a) is directed to be decided within a period of four months from the filing of the certified copy of the order.

Subject to the aforesaid observation, the writ petition is disposed of.

30.09.2004 (RAJESH TANDON J.)

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